

Federal Railroad Administration, DOT

§ 221.5

Section ²	Violation	Willful violation
device in use while prohibited	9,500	17,000
220.313 Program of instruction:		
(a)–(d)	9,500	17,000
220.315 Operational tests and inspections:		
(a)–(b)	9,500	17,000

¹ A penalty may be assessed against and only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

² The penalty schedule uses section numbers from 49 CFR part 220. If more than one item is listed as a type of violation of a given section, each item is also designated by a "penalty code," which is used to facilitate assessment of civil penalties, and which may or may not correspond to any subsection designation(s). For convenience, penalty citations will cite the CFR section and the penalty code, if any. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined CFR and penalty code citation, should they differ.

[63 FR 47195, Sept. 4, 1998, as amended at 69 FR 30593, May 28, 2004; 73 FR 79702, Dec. 30, 2008; 75 FR 59604, Sept. 27, 2010]

PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER AND FREIGHT TRAINS

Subpart A—General

- Sec.
- 221.1 Scope.
- 221.3 Application.
- 221.5 Definitions.
- 221.7 Civil penalty
- 221.9 Waivers.
- 221.11 State regulation.

Subpart B—Marking Devices

- 221.13 Marking device display.
- 221.14 Marking devices.
- 221.15 Marking device inspection.
- 221.16 Inspection procedure.
- 221.17 Movement of defective equipment.

APPENDIX A TO PART 221—PROCEDURES FOR APPROVAL OF REAR END MARKING DEVICES

APPENDIX B TO PART 221—APPROVED REAR END MARKING DEVICES

APPENDIX C TO PART 221—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 42 FR 2321, Jan. 11, 1977, unless otherwise noted.

Subpart A—General

§ 221.1 Scope.

This part prescribes minimum requirements governing highly visible marking devices for the trailing end of the rear car of all passenger, commuter and freight trains. So long as these minimum requirements are met, railroads may adopt additional or more stringent requirements for rear end marking devices.

§ 221.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to passenger, commuter and freight trains when operated on a standard gage main track which is part of the general railroad system of transportation.

(b) This part does not apply to:

(1) A railroad that operates only trains consisting of historical or antiquated equipment for excursion, educational, or recreational purposes;

(2) A train that operates only on track inside an installation which is not part of the general railroad system of transportation;

(3) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

(4) A railroad that operates only one train at any given time.

[42 FR 2321, Jan. 11, 1977, as amended at 53 FR 28600, July 28, 1988]

§ 221.5 Definitions.

As used in this part:

(a) *Train* means a locomotive unit or locomotive units coupled, with or without cars, involved in a railroad operation conducted on a main track. It does not include yard movements.

(b) *Commuter train* means a short haul passenger train operating on track which is part of the general railroad system of transportation, within an urban, suburban or metropolitan area. It includes a passenger train provided by an instrumentality of a State or political subdivision thereof.

(c) *Locomotive* means a self-propelled unit of equipment designed for moving